

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-10-04)
ROBIN STREET GRAVEL PIT (AMD. TO FCU-07-03)
MAY 18, 2010

A report to the Flathead County Board of Adjustment regarding a request by Robin Street for a conditional use permit to allow for a two (2) acre expansion to his existing gravel pit (Permit #FCU-07-03). The property on which the expansion would occur is zoned AG-80 Agricultural and is located within the Evergreen Zoning District.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on June 1, 2010 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located in the Earl Bennett Building at 1035 First Avenue West in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not within the advisory jurisdiction of a specific local land use advisory committee.

B. Board of Adjustment

The Flathead County Board of Adjustment will hold a public hearing on the proposed land use on June 1, 2010 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision at that hearing.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Robin C. & Joyce A. Street
1414 Rose Crossing
Kalispell, MT 59901
(406) 250-1112
street@rainbowgardens.net

ii. Landowner(s)

(same as above)

iii. Technical Assistance

(none provided)

B. Property Location and Size

The subject property is approximately 160 acres in size and is located at 1414 Rose Crossing, between Whitefish Stage Road and Highway 2 East along the Whitefish River

(see Figure 1 below).The property can be legally described as Tract 1 in the S½ NE ¼ and Tract 5 in the N½ NE ¼ SW'ly of the river in Section 29, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in yellow.

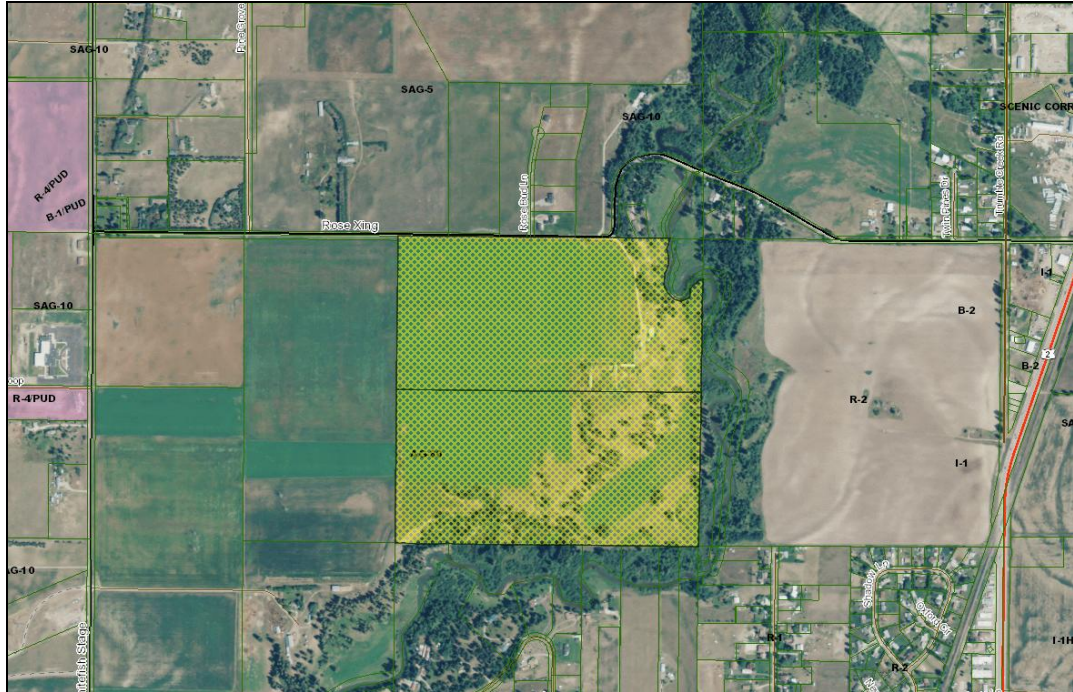
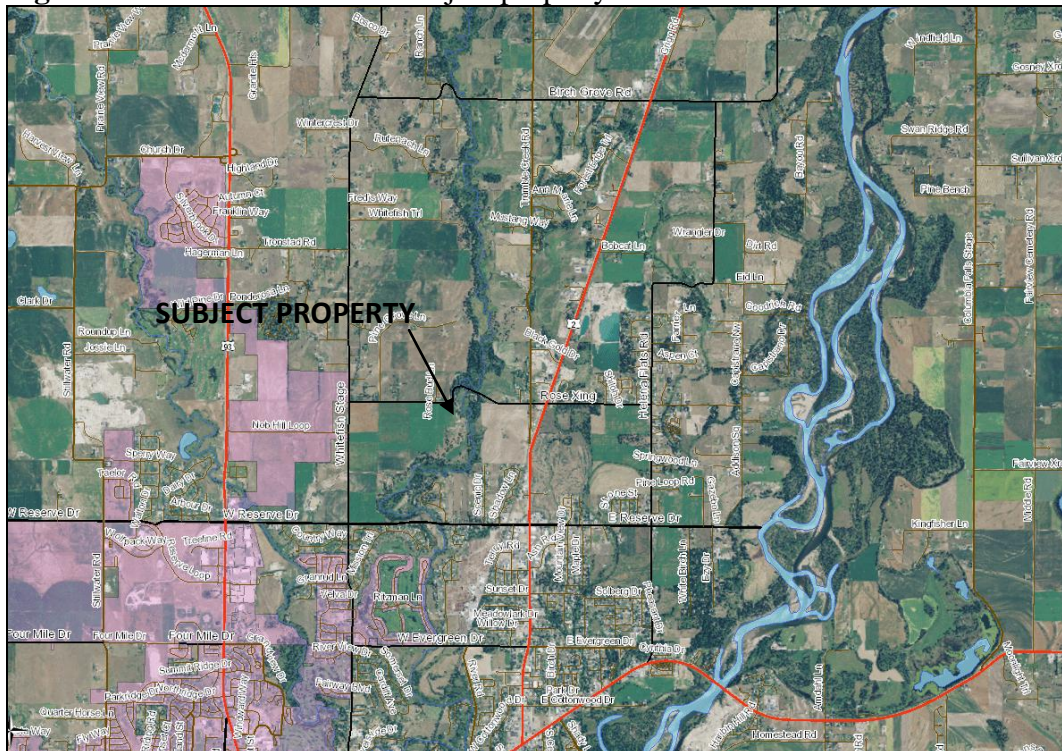


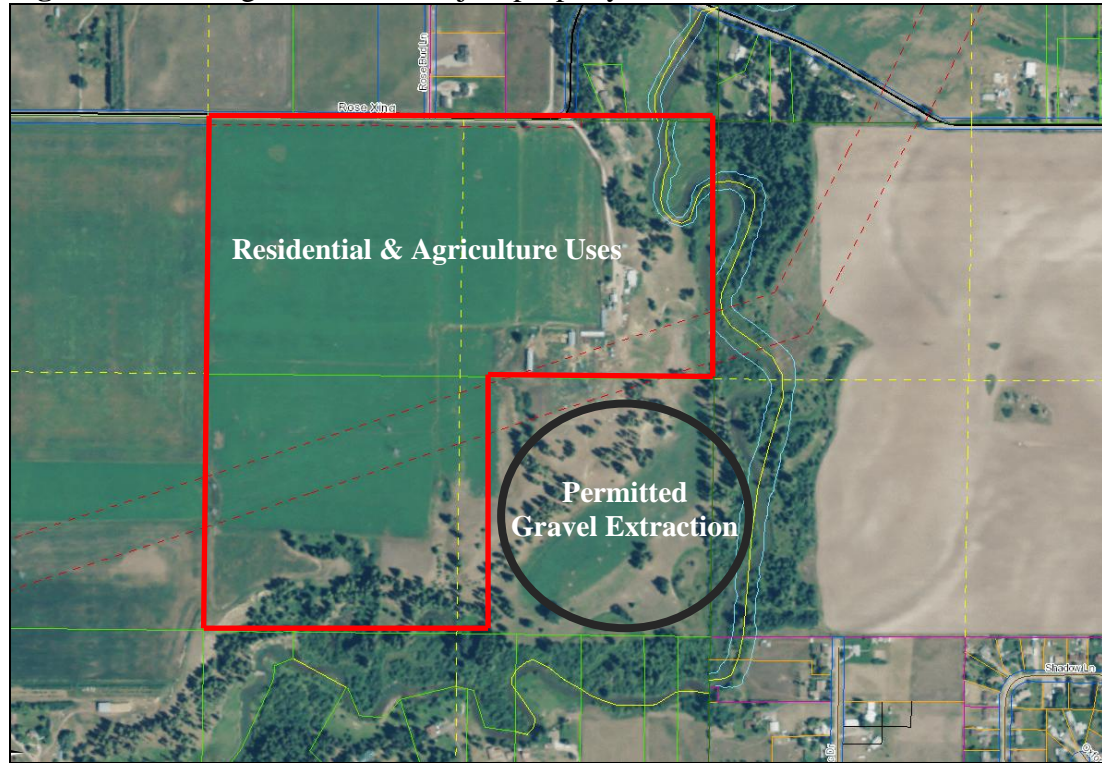
Figure 2: General location of subject property



C. Existing Land Use(s) and Zoning

The subject property is zoned AG-80 Agricultural and is located within the Evergreen Zoning District. The applicants currently reside on the property, and the majority of acreage is utilized for agricultural purposes including pasture for livestock. Approximately 15 acres of the property has been approved for extractive industry operations; this area is located on the southeast portion of the site adjacent to the Whitefish River (see Figure 3 below). Prior to the commencement of mining activities, this area was used as a hayfield planted with alfalfa and orchard grass.

Figure 3: Existing uses on the subject property.



D. Adjacent Land Use(s) and Zoning

Property to the west, south and east of the subject property are similarly zoned AG-80 Agricultural, with the exception of a small tract of R-1 zoning directly adjacent to the south property boundary. These areas to the west, south and east are also within the Evergreen zoning district. Properties to the north of Rose Crossing are located within the Highway 93 North zoning district and are zoned SAG-10 or SAG-5 Suburban Agricultural (see Figure 4 below). The general character of the area is a mix of agricultural uses and large-lot residential development, primarily to the north. Some smaller acreage residential development can be found to the south and southeast, across the Whitefish River from the subject property. The area along Rose Crossing to the west of the Whitefish River still appears rural in character even as the community of Evergreen encroaches from the south.

A Conditional Use Permit was issued on April 5, 2007 for a 5-acre gravel pit to operate within a 15.2 acre staging area on the subject property (#FCU-07-03). The current application requests an additional 2 acres be added to the original pit, for a total of 7 acres of gravel extraction within and not to extend beyond the original 15-acre staging area. Upon completion of extraction, the 7 acres will be reclaimed as a public fishing pond. It is anticipated the additional 2 acres proposed will extend the duration of operations onsite; however all activity is expected to be complete by December of 2010. According to Section 2.06.020 of the Flathead County Zoning Regulations, “structures or buildings devoted to any use which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.” Pursuant to this section of the regulations, a new conditional use permit is required to expand the existing, permitted gravel pit on the subject property.

Notification was mailed to property owners within 150 feet of the subject property on May 5, 2010. Legal notice of the public hearing on this application will be published in the May 16, 2010 edition of the Daily Interlake.

Referrals were sent to the following agencies on March 31, 2010:

- Flathead County Public Works/Road Department
 - Reason: The property accesses Rose Crossing, a public County road.
- Flathead Conservation District
 - Reason: The property is adjacent to the Whitefish River and the proposed expansion to the gravel pit may potentially impact this natural resource.
- Jed Fisher, Flathead County Weeds & Parks Department
 - Reason: The proposed gravel operations have the potential to spread noxious weeds on and off premise.
- Montana Fish, Wildlife and Parks Department
 - Reason: The reclamation plan involves a fishing pond that would be managed by Montana Fish Wildlife and Parks.
- West Valley Rural Fire Department
 - Reason: The property is located within the department's jurisdiction.
- Montana Department of Environmental Quality, Water Protection Bureau
 - Reason: The proposed gravel pit expansion has the potential to impact ground and surface water based on its proximity to the Whitefish River.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received regarding the proposed gravel pit expansion on the subject property. Adjacent property notification of the Board of Adjustments hearing was recently mailed on May 5, 2010; it is anticipated those wishing to provide comment on the proposal will do so during the public hearing.

A neighboring property owner to the south of the gravel extraction site (Robert Myers, 720 Scenic Drive) stopped by the Planning and Zoning Office on May 14, 2010 and expressed concern that current gravel extraction operations were operating outside the scope of the currently permitted hours of operation. He also had concerns regarding the proposed public access and parking area for the fishing pond, to be located at the end of Scenic Drive. The plan for public access and the fishing pond will be administered by the Montana Fish, Wildlife and Parks Department; Mr. Myers was encouraged to contact their office to voice his concerns about the parking area proposed located on Bob Lovejoy's property at the end of Scenic Drive. Hours of operation for the existing gravel pit and the proposed expansion will be discussed under the appropriate review criteria section below.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- David Prunty and Guy Foy, Flathead County Road and Bridge Departments
 - Reviewed the application and have no comment regarding the proposal.
- Mark Deleray, Fisheries Biologist, Montana Fish, Wildlife & Parks
 - The proposed two acre expansion is to the northwest of the permitted pit and does not further impact the riparian area along the Whitefish River.

- It appears the expansion does not create additional impacts beyond those of the original permit.
- We support the reclamation plan to construct a pond.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

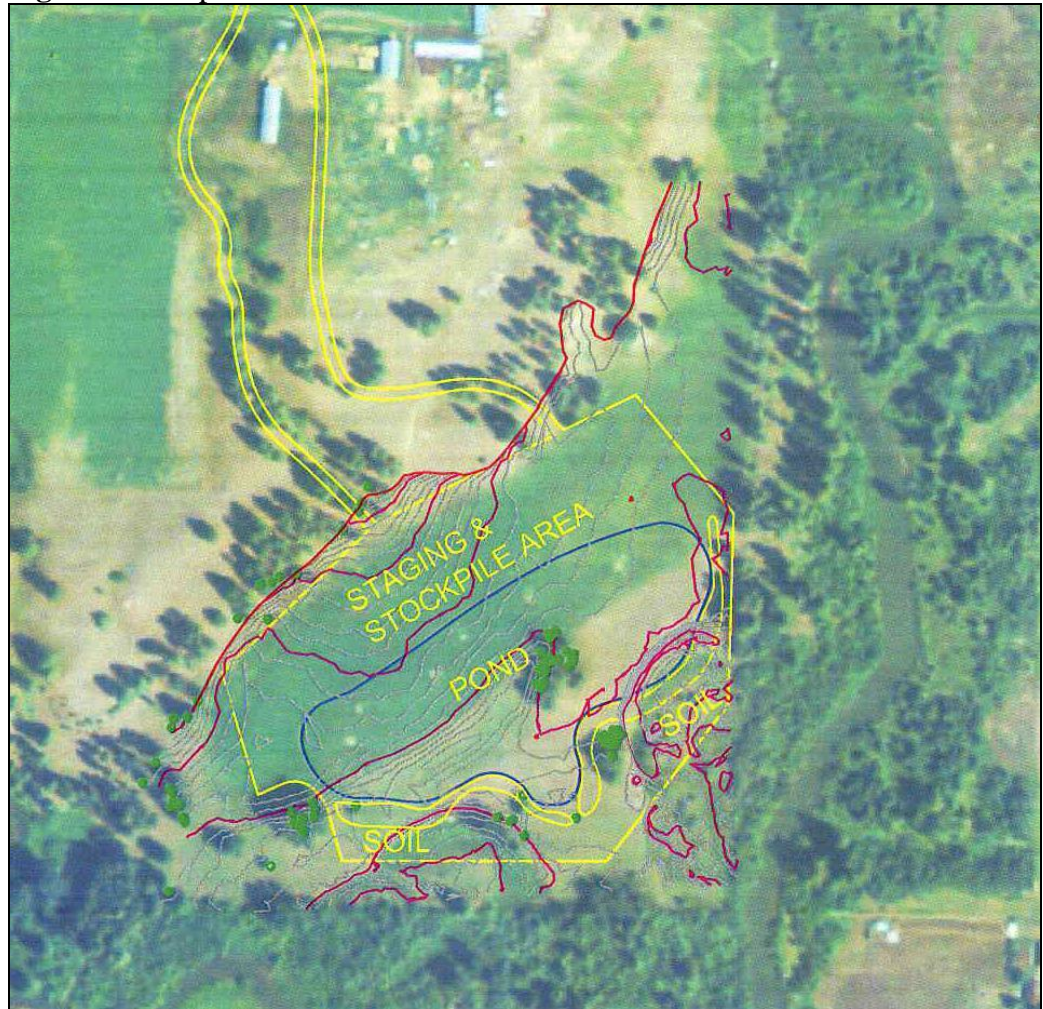
A. Site Suitability

i. Adequate usable space

The subject property is 160 acres in size, divided evenly between two tracts of land situated south of Rose Crossing and west of the Whitefish River. The ongoing permitted gravel extraction operation is currently limited to 15.2 acres located on the southeast corner of Tract 1, as reviewed and approved in Conditional Use Permit FCU-07-03 and subsequent Opencut Permit #SRO-001. The proposed two acre expansion would occur along the north and western edge of the existing pit, within the original 15.2 acres reviewed and permitted. It is anticipated extraction would begin from the western portion of the pit and move eastward, as originally proposed. Gravel from the proposed expansion will be transported offsite for processing, similar to the original permit. No gravel processing will take place onsite.

The 15.2 acres originally permitted includes the 5-acre gravel pit with the remaining 10 acres used for staging activities and parking. With the proposed expansion of 2 acres, approximately 8 acres would remain for the parking and staging area for extraction equipment. As shown in Figure 5 below, the staging area is located on the north side of the proposed gravel pit. The south and east side of the permitted area is reserved for berming as required by Montana Fish, Wildlife and Parks, to prevent run-off entering into the Whitefish River and to prevent any disturbance of the existing wetlands, riparian areas and wildlife habitat. Although the staging area would be reduced as a result of the 2 acre expansion, it is anticipated the remaining 8 acres could adequately accommodate the parking and extraction equipment necessary onsite.

Figure 5: Site plan.



Finding #1 – The site is suitable for the proposed expansion because the pit expansion would occur within the originally permitted 15.2 acres, there is adequate space for continued parking and staging activities, and the expansion would not encroach into the berming area required along the south and east portions of the site.

ii. Adequate access

The property accesses directly onto Rose Crossing, a paved public County road. The original two-track dirt lane providing access to the permitted gravel pit area has been widened and improved to a gravel access road approximately 2,500 feet long and 50 feet wide. The existing approach onto Rose Crossing was reviewed and approved by the Flathead County Road and Bridge Department for gravel extraction, and a copy of the approach permit has been provided with the application materials for the conditional use permit requires. This approach onto Rose Crossing is located approximately 250 feet west of the 90-degree turn in the road, and comment provided from the Flathead County Road and Bridge

Department indicates there are no concerns with the proposed 2 acre expansion or its impacts on the existing approved approach.

Finding #2 – The site is suitable for the proposed expansion because the onsite access road has been upgraded to accommodate truck and equipment traffic accessing the existing pit area, and this access road has an approved approach permit for gravel pit operations onto Rose Crossing, a paved public County road.

iii. Absence of environmental constraints

There are a number of environmental constraints on the subject property that were considered during the initial review of the original gravel extraction permit, including 100-year floodplain, wetlands and riparian areas, shallow groundwater and wildlife habitat. As previously discussed, Montana Fish, Wildlife and Parks has required berming around the gravel pit's south and east boundaries, to protect not only the Whitefish River but the wildlife habitat and riparian areas found along its banks. Upon visit to the site, staff confirmed these berms have been constructed as required by FWP and the original conditions of permit approval (FCU-07-03; Condition #12).

The Environmental Assessment prepared for the original permit request in 2007 (referenced as "Exhibit A" in the application materials) describes the potential environmental impacts the extraction of gravel may have on the area. The temporary displacement of certain wildlife species is noted in this report; however this area is not listed as prime habitat for any endangered species, and the reclamation plan would restore the site to a similar habitat, limiting the long term effects of the proposal. Mitigation measures are in place to limit the impacts to groundwater quality, and the maximum depth of excavation has been limited based on seasonal groundwater and the potential for contamination. The outcome of the Environmental Assessment determined that the magnitude and significance of the potential impacts was "insignificant as proposed" based on the "relative size and the conditions imposed by the Opencut Mining Act". It is therefore logical to conclude that the proposed 2 acre expansion of the existing gravel pit would have similarly insignificant impacts on the environment, considering the expansion would be part of and adhere to all mitigation measures initially approved with the original permit.

Finding #3 – Although environmental constraints are present on the subject property, the site would be suitable for the proposed expansion because the environmental assessment indicates the impacts resulting from the existing gravel pit are insignificant based on size of the project and conditions imposed, the expansion of the pit would only increase the extraction area by 2 acres and potential impacts resulting from this expansion could be mitigated with the imposition of conditions similar to those required of the original permit.

B. Appropriateness of design

i. Parking scheme

No additional parking is required as a result of the proposed 2 acre expansion. The original parking and staging area would continue to be utilized by employees parking their cars, excavator equipment and haul trucks; this area can be generally described as the grassy areas on either side of the access road as shown in Figures 6 and 7 below. While the staging area was originally 10.2 acres, the expansion of the pit would reduce the size of that area down to approximately 8 acres. The applicant has stated that this area will continue to function adequately for the parking and staging required by Section 4.10.030 of the zoning regulations. Upon further inspection, it was determined there are no specific guidelines set for the number of parking spaces required for extractive industry operations or specific design standards for parking areas within an AG-80 Agricultural zone set forth in the County zoning regulations.

Figure 6: Parking and staging area to the east of the access road.



Figure 7: Parking and staging area to the west of the access road.



Finding #4 – The layout and site design is suitable for the gravel pit expansion proposed because the amount of parking needed will not increase as a result of the expansion, and the 8 acres available for parking and staging activities would be able to adequately accommodate the existing parking necessary to serve the gravel pit as proposed.

ii. Traffic circulation

As previously discussed, all traffic accessing the existing gravel pit and proposed pit expansion would enter and exit onto Rose Crossing via an existing gravel access road approximately 50 feet wide. The width of the road allows for two-way traffic, and the road terminates at the parking and staging area, allowing trucks adequate room to move around the pit and turn around to exit. This circulation plan was reviewed and approved as part of the original application in 2007, and the proposed expansion would not change or impact existing traffic circulation onsite.

Finding #5 – Traffic circulation is acceptable and can accommodate the proposed 2 acre gravel pit expansion because the two-way access road has been constructed to accommodate existing and future traffic generated by the gravel extraction operation and because there is adequate room for trucks and other vehicles to maneuver around the gravel pit using the staging and parking area on the north side of the pit.

iii. Open space

The two tracts of land on which the originally permitted 15.2 acres is situated are a combined 160 acres in size; the majority of the acreage is used for agricultural purposes other than the gravel pit. Permitted lot coverage in an AG-80 zone is 20%; however none of the existing or proposed extraction activities result in *structural* coverage of any portion of the 80 acre tract on which the extraction site is located. The reclamation plan for the extraction site would turn the existing 5 acre pit (and proposed 2 acre expansion) into a stocked fishing pond, to be placed under conservation easement and managed by Montana Fish, Wildlife and Parks. The 2 acre expansion would not have a negative impact on the amount of existing open space onsite or future reclamation plans.

Finding #6 – There is adequate open space onsite because the property on which the existing gravel pit is permitted is 160 acres in size and used primarily for agricultural activities, the proposed 2 acre expansion would not impact lot coverage or the amount of existing open space onsite and would be incorporated into the future reclamation plans to implement a conservation easement ensuring permanent open space on the subject property.

iv. Fencing/screening

The existing gravel pit has not been fenced, nor would the proposed expansion be fenced. The pit is located on a corner of the property not easily accessible to the public; viewed from the public right-of-way along Rose Crossing, most passers-by would be unaware of the pit's existence. A large hill to the north and west of the extraction area blocks views from Rose Crossing. There is an existing fence along the south and east property boundary that was originally used to keep cattle on the property. This fencing will likely be removed when the reclamation plan goes into effect, to allow access as proposed from Scenic Drive (to the south). Perimeter fencing along the north and west boundary of the excavation area and future pond is anticipated, according to reclamation plans posed by the applicant. Existing berms along the south and east boundary of the extraction area screen views of the pit and provide a noise buffer for adjacent residential properties (see Figure 8 below). There is dense vegetation along the Whitefish River which also serves as an additional buffer between these residential areas and the excavation site.

Figure 8: Existing berm along south boundary of gravel pit.



Finding #7 – Fencing of the existing gravel extraction site and expansion area is not proposed, however this is acceptable because the gravel pit is not easily accessible to the general public and is screened from view on all sides by a large hill to the north and west, berming and existing vegetation to south and east.

v. Landscaping

No changes to the original landscaping proposal would occur as a result of the 2 acre expansion proposed. Landscaping during the development phase will be limited to the berming required by Fish, Wildlife and Parks along the south and east boundaries of the excavation site. Once the reclamation and re-use phase of the project has begun, the excavation site not part of the fishing pond (including the berming) will be re-vegetated using native plants and shrubs according to plans approved by the Flathead Conservation District.

Finding #8 – Proposed landscaping is adequate because the plans would apply to and accommodate the proposed 2 acre expansion during the development and re-use phases of the permitted extraction site.

vi. Signage

Ames Construction has erected a temporary sign near the existing approach onto Rose Crossing, identifying the pit location and providing notice of private property. The sign complies with the applicable zoning regulations providing general standards and guidelines for signage permitted in all zoning districts

(Section 5.11.010), general standards for all signs (Section 5.11.020) and for signage permitted specifically in an AG-80 district (Section 5.11.040). This signage will be removed after extraction is complete. The presence and location of this sign was reviewed during the original conditional use permit process (#FCU-07-03), and the proposed pit expansion would have no effect on the presence or location of the signage as stated in the application.

Finding #9 – Signage for the proposed gravel expansion is acceptable because it does not deviate from the signage reviewed and approved for the original permit and is compliant with the applicable signage regulations for a property zoned AG-80.

vii. Lighting

No exterior lighting is planned as part of this conditional use permit request to expand the existing gravel pit by 2 acres. No specific exterior lighting was proposed for the original gravel pit reviewed and approved by the Board. Any exterior lighting on the property would be required to meet the standards and guidelines set forth in Section 5.12 of the zoning regulations. Hours of operation are limited between 7:00 AM and 7:00 PM (Condition #5, permit #FCU-07-03), therefore outdoor lighting would be unnecessary because mining operations would generally occur during daylight hours.

Finding #10 – No exterior lighting has been proposed or appears necessary as part of the request to expand the existing gravel pit; if exterior lighting is necessary in the future, this lighting would be acceptable because it will be conditioned to adhere to standards set forth in Section 5.12 of the zoning regulations.

C. Availability of Public Services and Facilities

i. Sewer

Portable sanitary facilities provided by Ames construction are located onsite and will remain there during the exploitation phase of the extraction process. Montana Fish, Wildlife and Parks have proposed a vault toilet be constructed onsite once the re-use and reclamation portion of the project commences, to serve the public utilizing the proposed fishing pond. No sanitation review was required as part of this permitting process.

Finding #11 - The proposed gravel pit expansion will implement portable sanitary facilities during the exploitation phase and a vault toilet maintained by Fish, Wildlife and Parks during the re-use phase, of which both options are acceptable because the existing gravel pit and proposed expansion do not require permanent sanitary facilities or sanitation review.

ii. Water

Water service is not required to serve the extraction site and no public water or individual well facilities have been proposed as part of this expansion request.

The applicant does have an existing water right (#76LJ-1650-00) to draw from the Whitefish River for irrigation purposes and dust abatement along the gravel access road.

Finding #12 – The proposed expansion has adequately addressed the provision of water services onsite because the applicant currently holds a water right to draw from the Whitefish River for onsite dust abatement and is not required to have public service or an individual well as part of the gravel extraction permitting process.

iii. Storm Water Drainage

The applicant has supplied a Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for the existing gravel extraction site and proposed expansion area. The plan has been reviewed by the Montana Department of Environmental Quality Water Protection Bureau and received approval on March 19, 2010 (Permit #MT-103688). The plan anticipates stormwater runoff from the access road can be accommodated onsite and will be properly mitigated using appropriate Best Management Practices (BMPs) including but not limited to drainage swales, straw swaddles, silt fencing, de-silting basins, rock check dams, earth dikes and mulch berms as necessary. Both the Environmental Assessment and SWPPP submitted indicates soils onsite would be able to accommodate runoff through infiltration, and that risks to groundwater quality from non-point source run-off resulting from mining activities is low.

Finding #13 – Impacts resulting from stormwater runoff have been addressed and the proposed pit expansion would be acceptable because the applicant has applied for an obtained an approved SWPPP permit for the total area of disturbance resulting from the proposed gravel extraction, which identifies specific mitigation measures and BMPs to accommodate and treat all stormwater onsite, preventing negative impacts to surface and ground waters.

iv. Fire Protection

The subject property and extraction site would be served by the West Valley Rural Fire Department in the event of an emergency. Condition #15 of permit #FCU-07-03 required the site undergo review and obtain approval from the West Valley Fire Department for the proposed access, parking, fire suppression and emergency evacuation related to the gravel extraction site. Approval was granted by Rod Dresbach, Chief, on April 11, 2007, and a copy of the letter of approval was submitted with the current application for gravel expansion. There are no changes to the access, parking, fire suppression or emergency evacuation plans resulting from the proposed expansion.

v. Police Protection

The subject property is served by the Flathead County Sheriff's Department. Although rural in feel, the property is located near Evergreen and the city of

Kalispell, and easily accessible from paved County roadways. Response times are therefore anticipated to be similar to response times for a more urbanized area.

Finding #14 – The proposed gravel pit expansion can be adequately served by public services and facilities because it is located within the jurisdiction of the West Valley Rural Fire Department and the Flathead County Sheriff's Department.

vi. Streets

As previously discussed, the subject property has an approved approach onto Rose Crossing, a paved public County road. Rose Crossing runs east to west, directing traffic to Whitefish Stage (to the west) or U.S. Highway 2 East (to the east). Both roadways are public, paved and maintained by the Montana Department of Transportation, with Whitefish Stage classified as a state secondary route or major collector and Highway 2 East a minor arterial (between Kalispell and Columbia Falls). Gravel extraction on the subject property is intended to be used for the Highway 93 bypass project occurring west of Kalispell, and it is anticipated most material will be transported offsite by trucks heading west on Rose Crossing.

Finding #15 – The proposed gravel pit expansion has adequate access to public infrastructure because the subject property accesses directly onto a paved public County road, which in turn directs all traffic onto state-maintained roadways able to accommodate all types and volumes of traffic.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

No additional traffic is anticipated as a result of the proposed 2 acre pit expansion. The number of vehicle trips per day will not increase, but the length of time the trucks will need to haul material from the property will. As discussed above, trucks hauling material from the property utilize Rose Crossing, a paved public County road. Comment received from the Flathead County Road and Bridge Department indicated no concern with the proposed gravel pit expansion or the ability of Rose Crossing to accommodate truck traffic resulting from the extraction activities onsite. Although the amount of heavy truck traffic generated is not characteristic of the surrounding agricultural area, this traffic increase will be limited in duration. Mining operations are anticipated to end by December of 2010.

Finding #16 – Although uncharacteristic of the surrounding agricultural area, traffic generated by extraction activities onsite would be acceptable because there will be no net increase in the amount of truck traffic resulting from the proposed expansion and the increased length of time this traffic is anticipated will be limited based on the intended project completion date.

ii. Noise or vibration

The only noise or vibration anticipated as a result of the gravel pit expansion would be from the excavation equipment and hauling trucks. The large hill to the north and west of the extraction site, as well as the existing berms constructed along the south and east of the extraction site serve as a noise buffer between the gravel pit and the few residences in the area. The noise and vibration resulting from this machinery will be limited in duration as operations onsite are anticipated to end by December 2010.

Finding #17 – Noise and vibration resulting from the proposed gravel pit expansion would be acceptable because the extraction site is buffered on all sides to reduce impacts to adjacent properties and because the activities creating the noise will be limited in duration.

iii. Dust, glare or heat

Increased dust is anticipated as a result of proposed extraction activities and vehicle traffic onsite. Dust generated from the gravel road will be mitigated using abatement practices including the application of magnesium chloride and/or watering; dust generated as a result of mining activities will be controlled by watering the site. Once again, these impacts will be limited to the extraction phase of the project, and dust is not anticipated to be a problem during the transition of the site into a fishing pond.

Finding #18 – Dust will be generated by the proposed pit expansion but would be acceptable because the applicant will implement appropriate mitigation measures onsite to control the dust generated during the extraction phase of the project.

iv. Smoke, fumes, gas, or odors

Diesel exhaust from the excavator equipment and hauling trucks is the only anticipated fume resulting from the proposed pit expansion. Since mining operations have commenced on the originally permitted 5 acre extraction site, exhaust fumes are already present onsite and would not increase as a result of the proposed expansion but would simply be present for a longer duration of time. Exhaust fumes are not out of character for an agricultural district, and would be limited in duration as operations onsite are anticipated to end by December 2010.

Finding #19 – The presence of smoke, fumes, gas and odors will minimally impact the surrounding neighborhood because the diesel exhaust created by haul trucks and extraction equipment would not be out of character in an agricultural district and would be limited in duration based on the anticipated project completion date.

v. Inappropriate hours of operation

Section 4.10.020 of the zoning requirements limit hours of operation between 8:00 A.M. and 5:00 P.M. when blasting is part of the mining operation. There are no restrictions in place regarding the excavation or transport of materials offsite. Since no blasting is proposed as part of the pit expansion request, hours of operation would be conditioned between 7:00 A.M. and 7:00 P.M. to reflect the hours of operation reviewed and approved under the original permit #FCU-07-03.

Finding #20 – Proposed hours of operation are acceptable because there will be no blasting operations as a result of the proposed 2 acre expansion and because operating hours will be the same as those conditioned for the original 5 acre gravel pit.

V. SUMMARY OF FINDINGS

Finding #1 – The site is suitable for the proposed expansion because the pit expansion would occur within the originally permitted 15.2 acres, there is adequate space for continued parking and staging activities, and the expansion would not encroach into the berming area required along the south and east portions of the site.

Finding #2 – The site is suitable for the proposed expansion because the onsite access road has been upgraded to accommodate truck and equipment traffic accessing the existing pit area, and this access road has an approved approach permit for gravel pit operations onto Rose Crossing, a paved public County road.

Finding #3 – Although environmental constraints are present on the subject property, the site would be suitable for the proposed expansion because the environmental assessment indicates the impacts resulting from the existing gravel pit are insignificant based on size of the project and conditions imposed, the expansion of the pit would only increase the extraction area by 2 acres and potential impacts resulting from this expansion could be mitigated with the imposition of conditions similar to those required of the original permit.

Finding #4 – The layout and site design is suitable for the gravel pit expansion proposed because the amount of parking needed will not increase as a result of the expansion, and the 8 acres available for parking and staging activities would be able to adequately accommodate the existing parking necessary to serve the gravel pit as proposed.

Finding #5 – Traffic circulation is acceptable and can accommodate the proposed 2 acre gravel pit expansion because the two-way access road has been constructed to accommodate existing and future traffic generated by the gravel extraction operation and because there is adequate room for trucks and other vehicles to maneuver around the gravel pit using the staging and parking area on the north side of the pit.

Finding #6 – There is adequate open space onsite because the property on which the existing gravel pit is permitted is 160 acres in size and used primarily for agricultural

activities, the proposed 2 acre expansion would not impact lot coverage or the amount of existing open space onsite and would be incorporated into the future reclamation plans to implement a conservation easement ensuring permanent open space on the subject property.

Finding #7 – Fencing of the existing gravel extraction site and expansion area is not proposed, however this is acceptable because the gravel pit is not easily accessible to the general public and is screened from view on all sides by a large hill to the north and west, berming and existing vegetation to south and east.

Finding #8 – Proposed landscaping is adequate because the plans would apply to and accommodate the proposed 2 acre expansion during the development and re-use phases of the permitted extraction site.

Finding #9 – Signage for the proposed gravel expansion is acceptable because it does not deviate from the signage reviewed and approved for the original permit and is compliant with the applicable signage regulations for a property zoned AG-80.

Finding #10 – No exterior lighting has been proposed or appears necessary as part of the request to expand the existing gravel pit; if exterior lighting is necessary in the future, this lighting would be acceptable because it will be conditioned to adhere to standards set forth in Section 5.12 of the zoning regulations.

Finding #11 - The proposed gravel pit expansion will implement portable sanitary facilities during the exploitation phase and a vault toilet maintained by Fish, Wildlife and Parks during the re-use phase, of which both options are acceptable because the existing gravel pit and proposed expansion do not require permanent sanitary facilities or sanitation review.

Finding #12 – The proposed expansion has adequately addressed the provision of water services onsite because the applicant currently holds a water right to draw from the Whitefish River for onsite dust abatement and is not required to have public service or an individual well as part of the gravel extraction permitting process.

Finding #13 – Impacts resulting from stormwater runoff have been addressed and the proposed pit expansion would be acceptable because the applicant has applied for an obtained an approved SWPPP permit for the total area of disturbance resulting from the proposed gravel extraction, which identifies specific mitigation measures and BMPs to accommodate and treat all stormwater onsite, preventing negative impacts to surface and ground waters.

Finding #14 – The proposed gravel pit expansion can be adequately served by public services and facilities because it is located within the jurisdiction of the West Valley Rural Fire Department and the Flathead County Sheriff's Department.

Finding #15 – The proposed gravel pit expansion has adequate access to public infrastructure because the subject property accesses directly onto a paved public County road, which in turn directs all traffic onto state-maintained roadways able to accommodate all types and volumes of traffic.

Finding #16 – Although uncharacteristic of the surrounding agricultural area, traffic generated by extraction activities onsite would be acceptable because there will be no net increase in the amount of truck traffic resulting from the proposed expansion and the increased length of time this traffic is anticipated will be limited based on the intended project completion date.

Finding #17 – Noise and vibration resulting from the proposed gravel pit expansion would be acceptable because the extraction site is buffered on all sides to reduce impacts to adjacent properties and because the activities creating the noise will be limited in duration.

Finding #18 – Dust will be generated by the proposed pit expansion but would be acceptable because the applicant will implement appropriate mitigation measures onsite to control the dust generated during the extraction phase of the project.

Finding #19 – The presence of smoke, fumes, gas and odors will minimally impact the surrounding neighborhood because the diesel exhaust created by haul trucks and extraction equipment would not be out of character in an agricultural district and would be limited in duration based on the anticipated project completion date.

Finding #20 – Proposed hours of operation are acceptable because there will be no blasting operations as a result of the proposed 2 acre expansion and because operating hours will be the same as those conditioned for the original 5 acre gravel pit.

VI. RECOMMENDATION

Upon review of this application, the request for a 2 acre expansion to the existing permitted gravel pit on the subject property is supported by the review criteria and all 20 findings of fact listed above. Staff therefore recommends the Flathead County Board of Adjustment adopt staff report FCU-10-04 as findings of fact and approve the conditional use permit, subject to the following 17 conditions:

VII. CONDITIONS

1. The operation of the 2 acre gravel pit expansion shall be in substantial conformance with the information and site plan submitted, reviewed and approved by the Flathead County Board of Adjustments.
2. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustments.
3. If deemed necessary by the Montana Department of Environmental Quality, an amended Plan of Operations to include the proposed 2 acre expansion area shall

be signed and approved by the owner and/or operator, the Montana Department of Environmental Quality, and the Montana Department of Fish, Wildlife, and Parks and shall be available upon request.

4. If the permittee fails to implement the use of the property as allowed by this permit within one year from the date of issuance, this permit shall expire one year from the date of issuance.
5. Hours of operation shall be from 7:00 A.M. to 7:00 P.M., Monday through Friday.
6. Parking areas for employee vehicles, hauling trucks and extractive equipment shall be provided onsite in compliance with the proposed site plan.
7. Dust abatement and tire cleaning procedures shall be performed *as frequently as necessary* on the gravel access road, parking and staging area as well as the extraction site to mitigate impacts to Rose Crossing, the surrounding properties and general air quality resulting from dust created by truck traffic and extraction activities onsite.
8. All exterior lighting shall comply with Section 5.12 of the Flathead County Zoning Regulations, and shall be directed in such a way as to be contained within the boundaries of the property and shall be hooded, screened or directed in a manner that shall not be detrimental to the adjoining property owners or the neighborhood. Lights shall be extinguished at the close of each business day, with the exception of limited security lighting.
9. All signage associated with gravel extraction operations shall comply with all applicable standards and guidelines set forth in the Flathead County Zoning Regulations, specifically Section 5.11.010 regarding signs permitted in all zoning districts, Section 5.11.020 regarding general standards for all signs, and Section 5.11.040 regarding permitted signage in AG-80 zoning districts.
10. Pockets and stagnant pools of water resulting from surface drainage shall be treated with EPA-approved larvicides to eliminate breeding places for mosquitoes and other insects. Method and chemical uses shall be approved by the Montana Department of Agriculture; or the ponds shall be periodically drained to prevent the creation of such breeding places. Any larvicides used shall be environmentally safe and pose no threat to water quality.
11. Landscape buffers shall be planted along southern and eastern boundaries of the gravel pit in accordance with the Montana Department of Fish, Wildlife, and Parks and Flathead Conservation District specifications. Landscape material shall be of sufficient maturity and quantity to provide meaningful auditory and visual screening.
12. Soils stockpiled onsite shall be bermed to a minimum of eight feet. Berms shall be maintained to reduce noise and visual impact of operations to limit impacts on neighboring properties. Berming shall be maintained around the south and eastern boundary of the pit site in accordance with Montana Department of Fish, Wildlife, and Parks specifications and recommendations.
13. Topsoil and overburden berms shall be revegetated in accordance with a plan

approved by the Montana Department of Fish, Wildlife, and Parks.

14. The applicant will employ all available means to minimize noise generated by operations. This includes, but is not limited to, mufflers or sound dampening devices on all vehicles and excavation equipment to reduce noise impacts.
15. The applicant shall not store unleaded gas, diesel fuel, or any hazardous materials onsite.
16. Per the application materials, this operation is limited to extraction of gravel.
17. Both the landowner and operator of the mining operation shall comply with the Montana Opencut Mining Act, as administered by the Montana Department of Environmental Quality. The conditions of this permit shall be in addition to the requirements of the State. Violations of the state-issued permit are construed as a violation of this permit.